

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)
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Plaintiff,)
)
)
v.) Case No. CR-22-71-F
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)
LOUIS SAMUEL FINTO,)
)
)
Defendant.)

ORDER

The court has received a report containing allegations to the effect that, on June 21, 2023, the defendant, while detained at the Grady County jail, committed an assault. Under 18 U.S.C. § 3661, this information may be relevant to sentencing. And, in any event, this information, if substantiated, should be made available to the Bureau of Prisons at the appropriate time.

Accordingly, the probation office is **DIRECTED** to prepare and file a second revised presentence investigation report not later than July 24, 2023, the second revised report to include such references to the reported assault as the report writer deems appropriate. The parties may submit objections to the new material within the time allotted by the applicable rules (resulting, if need be, in a revised addendum).

In determining whether and to what extent to object to the new material, the parties should bear in mind that a party desiring to require the sentencing judge to hear evidence and find facts as to matters asserted to be genuinely contested (and which may have an impact on sentencing) must:

[M]ake “specific allegations of factual inaccuracy.” *See United States v. Murray*, 82 F.3d 361, 363 (10th Cir.1996). He ha[s] “an affirmative duty to make a showing that the information in the PSR was unreliable and articulate the reasons why the facts contained therein [were] untrue or inaccurate.” *United States v. Terry*, 916 F.2d 157, 162 (4th Cir.1990). The fact that he objected to the conclusion in the PSR is not sufficient to imply that a controverted matter exists. Because he failed to make any allegations of factual inaccuracy, the district court’s fact-finding obligation under Rule 32(i)(3)(B) was never triggered.

United States v. Rodriguez-Delma, 456 F.3d 1246, 1254 (10th Cir. 2006).

A general objection to the new material will not suffice.

This case will be reset for sentencing in due course.

Signed this 27th day of June, 2023.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE